

Inquire, showing the following rule to show cause at  
Rule is hereby issued upon the attorney for the Commonwealth to appear and show cause why Rule should not be granted, said Rule to be made return-  
has, why the prayer of the foregoing Motion should not be granted.  
John Thursday, October 26, 1989 at 10:00 A.M. before the undersigned.

JUNE 13, 1989 - ORDER filed showing the following:  
AND NOW, to-wit, this 9th day of November,  
upon consideration of defendant's motion to reconsider sentence, said motion is DENIED.  
JOHN A. BOZZA, JUDGE

Firearms not to be carried w/o Lic 1606 (3 cts) M., 2-24-89  
Loaded Firearms in Veh 2503  
Tpr W A Marino PSP  
C 022752-2 Jail

February 28, 1989, MOTION, ORDER, APPEARANCE FOR COUNSEL filed.

March 9, 1989, PETITION FOR REDUCTION OF BAIL, signed and filed by Christine D. Chase, Esq.,  
showing the following Rule: AND NOW, March 9, 1989, a rule is issued returnable March 15, 1989  
at 8:45 a.m.

Michael T. Joyce, Judge

MAY 22, 1989-ORDER OF COURT- AND NOW, to-wit, this 15th day of May, 1989, it is Ordered and  
Decreed that Dr. David Paul, prison psychiatrist will report his findings of a psychiatric  
evaluation previously done on Douglas Leuschen, Defendant to this Court forthwith.  
Michael T. Joyce, Judge

June 12, 1989 PRAECIPE TO ENTER APPEARANCE signed and filed by Joseph D'Alba.

JULY 12, 1989- PETITION FOR BOND- filed by Joseph J. D'Alba, Esq., showing the following  
RULE TO SHOW CAUSE- AND NOW, to-wit, this 12th day of July 1989, a rule is entered upon  
District Attorney of Erie County to show cause why Petitioner's Petition for Bond should not  
be granted, said rule returnable on July 19, 1989, at 9:15 a.m.  
Michael T. Joyce, Judge

\*\*June 29, 1989- ORDER- AND NOW, to-wit, this 27th day of June, 1989, upon hearing arguments  
of counsel at a hearing held in this matter, Defendant's Motion for Reduction of Bond is  
hereby Denied.  
Michael T. Joyce, Judge

JULY 13, 1989, the defendant appears in Court with his Counsel, J. D'Alba, ESQ.

JULY 13, 1989, APPEARANCE filed.

JULY 13, 1989, Case called with the Honorable John Falcone on the bench and the defendant,  
DOUGLAS BURTON LEUSCHEN present in Court with his Counsel, J. D'Alba. The defendant DOUGLAS BURTON  
BURTON LEUSCHEN having been arraigned, pleads NOT GUILTY; same day the defendant was sworn and the  
LEUSCHEN consulted and assisted his counsel in selecting a jury. The jury was sworn and the  
trial proceeded.

JULY 14, 1989, the defendant, DOUGLAS BURTON LEUSCHEN being present in Court with his Counsel,  
J. D'Alba and having been present in Court during the entire proceedings of the trial, the jury  
say they find the defendant GUILTY to Ct. 3 only July 14, 1989.

AND NOW, JULY 14, 1989, after verdict, sentence as to the defendant, DOUGLAS BURTON LEUSCHEN is  
deferred until further Order of Court. The defendant is remanded to the JAIL OF ERIE COUNTY.

JOHN FALCONO, JUDGE

Exhibit #9 (A)

Commonwealth

vs. 696

DOUGLAS BURTON LEUSCHEN

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July 31, 1989, MOTION IN ARREST OF JUDGMENT AND FOR A NEW TRIAL filed and signed by Joseph J. D'Alba, Esquire.

August 8, 1989 - ORDER OF COURT filed showing the following: AND NOW, to-wit, this 31st day of July, 1989, the motion in Arrest of Judgment and for a New Trial presented in this matter is hereby denied.

JOHN R. FALCONE, JUDGE

August 2, 1989 - ORDER OF COURT filed showing the following: AND NOW, to-wit, this 31st day of July, 1989, the Motion to Reduce Defendant's Bond is denied, and it is ORDERED that the bond heretofore set in this matter is revoked.

JOHN R. FALCONE, JUDGE

August 29, 1989 - ORDER filed showing the following: AND NOW, to-wit, this 25th day of August, 1989, Defendant's Motion for Writ of Habeas Corpus at the above term and number is hereby denied in its entirety as improperly brought. Claims of the type sought to be brought forth here by the defendant are more properly brought under the Post Conviction Relief Act than through the use of the extraordinary remedy of Habeas Corpus, as this mechanism in part was intended by the legislature to supplant such common law remedies. Commonwealth v. Runk, 250 Pa. Super. 130, 378 A.2d 488 (1977).

MICHAEL T. JOYCE, JUDGE

September 21, 1989 the defendant appears in Court with his attorney, Jay D'Alba, Esq.

SENTENCE ON COUNT FOUR:

AND NOW, September 21, 1989 the Court sentences the defendant, DOUGLAS BURTON LEUSCHEN to pay the costs of prosecution and the following find:

CC.4: \$100.00 fine to the County of Erie JOHN R. FALCONE, JUDGE

\*\*\*\*

September 21, 1989 the defendant appears in Court with his attorney, Jay D'Alba, Esq. AND NOW, September 21, 1989 the Court sentences the defendant DOUGLAS BURTON LEUSCHEN to pay a fine of One hundred (\$100.00) dollars to the Commonwealth for the use of the County of Erie to pay the costs of prosecution, to restore the property taken, if not already done, or pay the value thereof to the owner thereof, and shall be committed to the Bureau of Corrections for confinement for an indefinite term the minimum of which shall be Eight (8) calendar months and the maximum Five (5) years to be computed to-wit from: February 24, 1989 there to be kept, fed, clothed and treated as the law directs, and stand committed until the sentence be complied with. The defendant, DOUGLAS BURTON LEUSCHEN is ordered committed to the CORRECTIONAL DIAGNOSTIC AND CLASSIFICATION CENTER at the WESTERN Penitentiary, Pittsburgh, Pennsylvania for compliance with the above sentence.

JOHN R. FALCONE, JUDGE

September 21, 1989 GUIDELINES filed.

November 16th, 1989, Motion to Proceed in Forma Pauperis, etc. filed by the Defendant.

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SENTENCING RE: CT ONE

Exhibit # 9 (B)

Exhibit # 9 (B)

175

Commonwealth

vs.  
696

DOUGLAS BURTON LEUSCHEN

CONTINUED from page 190-1

December 28, 1989 - ORDER OF COURT filed showing the following: AND NOW, TO-WIT, this 28th day of December, 1989, it is hereby ORDERED that the defendant's pro se Motion to Proceed In Forma Pauperis, Motion for Transcribing Court Proceedings, Petition of Rights, Motion for Return of Property, and Petition Under Post Conviction Hearing Act (sic) alleging Attorney Burt was ineffective at the defendant's preliminary hearing are DENIED for failing to set forth a cause of action entitling the defendant to the remedy requested and because the defendant is and has been represented by counsel, Attorney Joseph J. D'Alba.

SHAD CONNELLY, JUDGE

January 23, 1990 - PETITION UNDER POST CONVICTION HEARING- filed by Defendant showing the following ORDER OF COURT- AND NOW, to-wit, this 24th day of January, 1990, the Defendant's pro se Petition for Arrest in Judgment and New Trial (improperly captioned Petition Under Post Conviction Hearing Act Rule 1501 (of November 9, 1984) is hereby DENIED as untimely and improperly filed, as are defendant's pro se Petition entitled Motion for Court Order and Motion to Amend Information for Return of Property (see Court's prior Order of December 29, 1989)

SHAD CONNELLY, JUDGE

February 9, 1990, PETITION UNDER POST CONVICTION HEARING ACT, filed by defendant. (taken to Judge ~~Bortz~~)

February 28, 1990, ORDER filed, showing the following: AND NOW, this 28th day of February, 1990, upon consideration of the defendant pro se Petition Under Post Conviction Hearing Act, and upon finding that defendant is unable to obtain a lawyer, Jack E. Grayer, Esq. is appointed to represent him. The Clerk of this Court is ordered to do the following forthwith: a. serve a copy of this Motion and Order upon the District Attorney of Erie County. b. To send a copy of this Motion and Order to Jack E. Grayer, Esq., the lawyer for the defendant c. to send a copy of this order to the defendant. Counsel for defendant is hereby ORDERED to amend or supplement the said petition within thirty (30) days from the date of this Order.

Shad Connelly, Judge

(compiled with: 3-2-89)

March 30, 1990- PETITION FOR TRANSCRIPT AND CONTINUANCE OF TIME IN WHICH TO FILE AN AMENDMENT TO DEFENDANT'S PCRA- filed by Jack E. Grayer, Esq., showing the following ORDER- NOW THIS 23rd day of March, 1990, it is ordered that the Court Stenographer shall transcribe the notes of testimony for the trial and sentence proceedings in the above captioned matter, the same to be made available to counsel for Defendant, Jack E. Grayer, Esq. pursuant to Defendant's petition for post conviction relief. It is further ordered that counsel for the defendant shall have until 15 days after the last of transcribed notes of testimony are filed for trial and sentence proceedings in the above captioned to amend the defendant's Post conviction Relief Act Petition.

SHAD CONNELLY, JUDGE

JURY TRIAL DAY 1- Proceeding held before the Honorable John R. Falcone on July 13, 1989, filed by Court Reporter, Andrea DeBartolo on April 30, 1990.  
JURY TRIAL DAY 2- Proceedings held before the Honorable John R. Falcone on July 14, 1989, filed by Court Reporter, Andrea DeBartolo on April 30, 1990.  
SENTENCING- Proceedings held before the Honorable John R. Falcone on September 21, 1989, filed by Court Reporter, Andrea DeBartolo on April 30, 1990.

Exhibit #9 (c)

Exhibit #9 (c)

POUGIAS RUTTON LEUSCHEN

Exhibit #9 (D)



Commonwealth

vs. 696

Douglas Burton Leuschen

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August 7, 1990 - ORDER - AND NOW, to-wit, this 6th day of August, 1990, it is hereby ORDERED that

1. The defendant's Motion for Defendant to proceed Pro se is GRANTED.
2. The Defendant's Motion for Enlargement of time to file Objections to Defendant Counsel's "No Merit Letter" is hereby DENIED.
3. The defendant's Motion for Enlargement of Time in which to file Concise statement is hereby DENIED.
4. The Defendant's Motion for transcribed notes of Testimony and Court Records is hereby DENIED, the defendant having failed to specifically set forth how any of the requested transcriptions will be relevant to any specific issues that he has raised on appeal.

Shad Connelly, Judge

August 30, 1990 - MOTION FOR ORDER TO COMPEL LOWER COURT TO TRANSMIT RECORD TO DEFENDANT filed and signed by the defendant.

September 4, 1990 - ALL PAPERS RETURNED FROM SUPERIOR COURT showing the following ORDER OF COURT - Upon consideration of the Motion to Compel, the record is remanded to the trial court for a period of thirty days for the trial court to act on the Motion for Transcribed Notes of Testimony filed by the appellant on June 13, 1990. The court notes that the docket entries note such a motion, but that the motion was not contained in the record sent to this court. A new briefing schedule will be issued upon the return of the record to this court. Jurisdiction is retained. Date August 30, 1990 Per Curiam

Eleanor R. Valecko, Deputy Pro.

September 5, 1990 - ALL PAPERS MAILED TO SUPERIOR COURT

September 24, 1990 - ORDER - AND NOW, to-wit, this 24th day of September, 1990, upon consideration of defendant's pro se Motion for Transcribed Notes of Testimony and Court Records filed June 13, 1990, it is hereby ORDERED that paragraph 2, sub-section(a) and (b) are GRANTED: sub-section (c), (d), and (e) are DENIED.

SHAD CONNELLY, JUDGE

October 12, 1990 - OPINION AND JUDGMENT ORDER OF SUPERIOR COURT FILED showing the following ORDER OR COURT - Upon consideration of the Motion to Compel, the record is remanded to the trial court to provide copies of the record to the appellant for purposes of prosecuting his pro se appeal. See Com. v. Ballam, 334 Pa. Super. 255, 482A. 2d 1322 (1984). A new briefing schedule will be issued upon the return of the record to this Court. Jurisdiction is retained.

Eleanor R. Valecko, Deputy Pro.

October 16, 1990 - Copies of Record sent to Defendant  
October 16, 1990, Papers returned to Superior Court

November 27, 1990 - BRIEF FOR APPELLANT filed by Defendant

May 7, 1991 ALL PAPERS RETURNED FROM SUPERIOR COURT  
May 7, 1991 - OPINION AND JUDGMENT ORDER OF SUPERIOR COURT filed showing the following ORDER - AND NOW, This 19th day of March, 1991, it is ordered as follows: Order affirmed.

Eleanor R. Valecko, Deputy Pro.

August 31, 1993, MOTION FOR POST CONVICTION COLLATERAL RELIEF filed by C. Eyster, Esq. (Judge Connelly)  
Sept. 2, 1993, COMMONWEALTH to answer PCRA Motion before 10-4-93

Shad Connelly, Judge

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Commonwealth

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August 20, 1990 Let Non-Omittas Issue

Michael T. Joyce, Judge

August 20, 1990, Non-Omittas Issued

Exhibit # 9 (E)

Exhibit # 9 (E)

Commonwealth		CONTINUED FROM PAGE 507-1
vs. 696		September 30, 1993, COMMONWEALTH'S ANSWER TO DEFENDANT'S POST-CONVICTION RELIEF ACT PETITION filed by Kenneth Zak, Asst. D.A.
DOUGLAS BURTON LEUSCHEN		February 10, 1994, OPINION & ORDER: AND NOW, TO-WIT, this 10th day of February, 1994, it is hereby ORDERED that defendant's second Post-Conviction Relief Act Petition is DENIED without hearing. s/ Judge Shad Connelly
		March 14, 1994 Appeal from order dated 2/10/94 sent back to Atty Chris Eyster as untimely filed
		March 11, 1994 NOTICE OF APPEAL (order dated February 10, 1994) \$55.00 filing fee Proof of Service filed by C.R. Eyster, Esq
		MARCH 22, 1994 DOCKETED NOTICE OF APPEAL 437 PGH 94 MARCH 24, 1994 ALL PAPERS MAILED TO SUPERIOR COURT
		November 30, 1994 ALL PAPERS RETURNED FROM SUPERIOR COURT November 30, 1994 ORDER OF SUPERIOR COURT AFFIRMED ELEANOR R. VALECKO, DEPUTY PRO
		FEBRUARY 15, 2000 PETITION FOR DESTRUCTION OF EVIDENCE FILED BY R SAMBROAK ASST DA. FEBRUARY 15, 2000 ORDER GRANTING SAME S/WM CUNNINGHAM JUDGE
		9-25-2002-Application for Immediate Hearing filed by Defendant (to Judge Cunnin 9-25-2002-Petition for Writ of Error with Whole Record Test filed by Defendant (taken to Judge Cunningham) Motion for Leave to Proceed in Forma Pauperis filed
		8-25-2003- by Defendant -Praecipe for Entry of Adverse Judgment filed by 8-25-2003- Defendant
		11-19-2003-Motion to Amend Petition for Writ of Errors filed by Defendant 11-19-2003-Amended Petition for Writ of Error with Whole Record Test filed by Defendant
		11-25-2003-Opinion and Notice of Intent to Dismiss without Hearing pursuant to Pa.R.Crim.P. 907 (1). Judge Shad Connelly (notice sent to DA and Defendant on 11-25-2003)
Commonwealth		continued from page 484-1 November 12, 1993 ALL PAPERS RETURNED FROM SUPERIOR COURT November 12, 1993 AFFIRMED ELEANOR R. VALECKO, DEPUTY PRO
vs.		

Exhibit #9 (F)

Exhibit #9 (F)